Remarks

Claims 1-32 are pending in this application. Reconsideration of the application is respectfully requested in view of the following remarks.

The Office has asserted a rejection of claims 1-3, 5, 7-14, 16, 18-25, 27, and 29-32 under 35 USC §102(e) as anticipated by Leiba, U.S. Patent No. 5,883,661 ("Leiba") in an Office action dated July 5, 2005 (Office action). The Office has also asserted a rejection of claims 4, 6, 15, 17, 26, and 28 under 35 USC §103(a) as obvious over Leiba in view of Willis, U.S. Patent No. 6,321,376 ("Willis") in the same Office action. Applicants disagree with the rejections given and the Examiner's characterizations. Applicants address these rejections below.

1.   Patentability over Leiba

The Office has asserted a rejection of claims 1-3, 5, 7-14, 16, 18-25, 27, and 29-32 under 35 USC §102(e) as anticipated by Leiba, U.S. Patent No. 5,883,661 ("Leiba"). Applicants have carefully considered the Examiners objections and have modified the independent claims in response. With the amendments, applicants believe that the claims are in condition for allowance.

Claim 1

Applicants respectfully submit that Leiba fails to anticipate claim 1, because Leiba fails to teach or suggest "applying the software implementation and the software specification to produce a conformance-test enabled implementation comprising portions of the software implementation and the software specification integrated into a same body of code." Amended claim 1 recites,

> 1.   A computer-implemented method of conformance-testing a software implementation with a software specification, the method comprising:
>
> applying the software implementation and the software specification to produce a conformance-test enabled implementation comprising portions of the software implementation and the software specification integrated into a same body of code wherein nondeterministic choices of the software specification result in assigning a corresponding choice of the conformance-test enabled implementation to a variable; *wherein at least one procedure comprises at least one portion of the software implementation and at least one portion of the*

> *software specification;* and

> the conformance-test enabled implementation comprising a test
> that the variable comprises one of the nondeterministic choices of the
> software specification.

For example, FIG. 9 in the Application and the associated text describe the body of the implementation code being surrounded by the steps from the software specification. Applicants respectfully submit that Leiba fails to anticipate amended claim 1, because Leiba fails to teach or suggest "w*herein at least one procedure comprises at least one portion of the software implementation and at least one portion of the software specification.*"

Rather, Leiba teaches a series of discrete test steps which never combine the software implementation and the software specification. Rather a series of components are compiled discretely and interact discretely. For example, Leiba carefully separates test data 1000 and the test engine 130, as can be clearly seen in FIG. 1. Furthermore, "all the necessary control elements" are in the test input file, which is a sub-portion of the test data. [Leiba, 4:55-65.] This can further be seen with reference to FIG. 4 of Leiba which shows the "high-level data flow of the conformance test." [Leiba, 6:30-31.] As can be seen, the data flow consists of a series of discrete tests, none of which overlap, and none of which build, read, or otherwise interact with "*at least one procedure [which] comprises at least one portion of the software implementation and at least one portion of the software specification,* as recited in claim 1. For this reason, claim 1 is in condition for allowance, which we respectfully request.

Claims 2-6

Claims 2-6 depend from claim 1. Since they depend from claim 1, they should be allowed for at least the reasons stated for claim 1. In view of the foregoing discussion of claim 1, the merits of the separate patentability of dependent claims 2-6 are not belabored at this time. Claims 2-6 should be allowable. Such action is respectfully requested.

Independent Claims 7, 12, 18, 23, 29

Applicants respectfully submit that for reasons similar to those stated above, such as for claim 1, Leiba fails to anticipate the following features:

Claim 7 — "producing a software object organized such that a step of the software specification *is surrounded by* a corresponding code section of the software implementation in the software object;"

Claim 12 — "the conformance-test enabled implementation comprising a same body of code with portions from both the software implementation and the software specification *in the same procedure*"

Claim 18 — producing a software object organized such that a step of the software specification *is surrounded by* a corresponding code section of the software implementation in the software object"

Claim 23 — "the conformance-test enabled implementation a same body of code with portions from both the software implementation and the software specification *integrated into at least one procedure*"

Claim 29 — "producing a software object organized such that a *series of steps* of the software specification and a corresponding code section of the software implementation are *enmeshed* in the software object"

Since Leiba fails to anticipate these features of independent claims 7, 12, 18, 23, and 29, they should be allowable. Such action is respectfully requested.

Dependent Claims 8-11, 13-17, 19-22, 24-28, and 30-32

Claims 8-11, 13-17, 19-22, 24-28, and 30-32 depend from the above allowable independent claims. Since claims 8-11, 13-17, 19-22, 24-28, and 30-32 depend from the above allowable independent claims, they should be allowed for at least the above reasons. Such action is respectfully requested.

2.   *Patentability over Leiba in view of Willis*

The Office has also asserted a rejection of claims 4, 6, 15, 17, 26, and 28 under 35 USC §103(a) as obvious over Leiba in view of Willis, U.S. Patent No. 6,321,376 ("Willis"). Applicants respectfully traverse. Leiba and Willis, taken separately or in combination, fail to teach or suggest at least one limitation of claims 4, 6, 15, 17, 26, and 28.

Claim 4 and 6 depend from claim 1 and include all of the language of claim 1. As noted in section 1, Leiba fails to teach or suggest the above-cited language of claim 1. Willis also fails to teach or suggest the above-cited language of claim 1.

Claims 15 and 17 depend from claim 12 and include all of the language of claim 12. As noted in section 1, Leiba fails to teach or suggest the above-cited language of claim 12. Willis also fails to teach or suggest the above-cited language of claim 12.

Claims 26 and 28 depend from claim 23 and include all of the language of claim 23. As noted in section 1, Leiba fails to teach or suggest the above-cited language of claim 23. Willis also fails to teach or suggest the above-cited language of claim 23.

The combination of references made by the Examiner to reject claims 4, 6, 15, 17, 26, and 28 is improper for at least the same reasons that the combination of Leiba and Willis is improper.

Claims 4, 6, 15, 17, 26, and 28 should be allowable.

Request For Interview

If any issues remain in light of these remarks and amendments, the Examiner is formally requested to contact the undersigned attorney to arrange a telephonic interview. It is believed that a brief discussion of the merits of the present application may expedite prosecution. Applicants submit the preceding formal Amendment and the above remarks so that the Examiner may fully evaluate Applicants' position, thereby enabling the interview to be more focused.

This request is being submitted under MPEP § 713.01, which indicates that an interview may be arranged in advance by a written request.
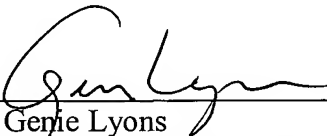
Conclusion

The claims in their present form should now be allowable. Such action is respectfully requested.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 595-5300
Facsimile: (503) 595-5301

By _____
Genie Lyons
Registration No. 43,841